

EMSSAB CHAIRS

Bi-Monthly Conference Call

Wednesday, August 25, 2004
3:00 – 4:30 p.m.

Participants

Chairs/Representatives:

Fernald	Jim Bierer, Gary Stegner
Hanford	Todd Martin
Idaho	David Kipping, Shannon Brennan, Larry Knight
Nevada	Charles Phillips
NNM	Menice Manzanares
Oak Ridge	Kerry Trammell, Pat Halsey, Pete Osborne, Norm Mulvenon
Paducah	Bill Tanner, David Dollins, Kendra Payne, Linda Long, Kim Crenshaw
Rocky Flats	Victor Holm, Ken Korkia, Karen Lutz
Savannah River	Jean Sulc, Mel Galin, de'Lisa Bratcher, Gerri Fleming, Dennis Godby

DOE representatives:

EM-30.1 Sandra Waisley (DFO), Jay Vivari, Frederick Dowd, Douglas Frost

OPENING REMARKS

Ms. Waisley welcomed everyone and commented that Mr. Vivari and his Steering Committee had been working very hard on the agenda for the upcoming SSAB Chairs meeting. It should be finalized soon. Ms. Waisley also announced that Gene Schmitt has been appointed DAS for Business Operations, and Barbara Heffernan returns to her original position of Director of Budget.

NEW BUSINESS

October SSAB Chairs Meeting at Hanford

Regarding new business, Mr. Vivari said the agenda for the October SSAB Chairs meeting is still being finalized and he asked the Chairs to email him topics they wanted to cover. There is a half-hour to one-hour time slot available on Friday to fill on the agenda. He asked Todd Martin to review the tentative agenda.

Mr. Martin said Thursday morning would start as a Round Robin, with each Chair stating the three biggest concerns with their site. Following that session, there will be a discussion on the administration of the Boards because some of them are still having

some difficulty sorting out the 8A/direct contract DOE policy and would like to find out how some of the Boards have been handling this new requirement. On Thursday afternoon a Hanford focus session is planned with a regulatory update on the Tri-Party Agreement and how our regulators play a role in their Board. There will also be a Hanford panel with representatives from the U.S. Fish and Wildlife Service, local tribes, businesses, regional environmental groups, and other interested parties. The panel will focus on items that make Hanford more or less likely to receive and/or ship waste. The Steering Committee felt it would be interesting for the Chairs to understand Hanford's capacity as a storage, treatment or disposal facility, and whether Hanford may be sending waste to their sites. There are barriers emerging as to whether Hanford will be able to send or receive significant amounts of waste.

Mr. Vivari added that the focus on Hanford is to determine what can be learned from the Hanford site and what lessons can be applied to the other sites. Mr. Martin noted that some people may think there is too much focus on Hanford, but he is open to suggestions for changes in the program.

On Friday morning, it is planned that Ms. Waisley will provide an update on the FY05 budget and the outlook for FY06. Time is available for other topics suggested by the Chairs and for carryover from Thursday's discussions, if needed. Mr. Vivari said he was looking forward to the site tour on Wednesday since this will be his first trip to Hanford. Mr. Martin commented that the site tour will focus on Hanford's capacity to receive and ship waste to and from other sites. Also planned is a discussion on the transition from EM to LM.

Dave Geiser, from LM, has been asked if he is interested in attending the Chairs meeting, and he suggested that the Chairs might be interested in the work LM has done at Rocky Flats and Fernald. LM has been attending all the SSAB meetings and things are going well with the transition there. Mr. Vivari asked if anyone from Fernald or Rocky Flats (FR) would like to do a presentation, and Karen Lutz at Rocky Flats said she would be happy to give one for RF. Jim Bierer, Fernald, will not be able to attend, but other CAB members will be attending, and he hopes someone will be willing to speak about the transition.

Ms. Waisley asked why there are no DOE speakers, and Mr. Vivari replied that there is a National Governors Association/Department of Energy meeting on October 6-7 in Chicago that will be attended by a number of DOE representatives. Mr. Martin said they plan to include presentations from local DOE employees. Ms. Waisley said she may be able to present a corporate message from Paul Golan and/or Gene Schmitt along with any changes that may be upcoming. Mr. Vivari noted there is also one last item for the agenda: the Chairs' follow-up discussion on a potential National Stakeholder Workshop and what topics might be addressed. Mr. Vivari asked again if anyone had additional suggestions for the empty time slot on Friday morning.

Bill Tanner suggested a presentation on DOE's acquisitions/contracts as had been suggested at the April 2004 Washington, DC meeting. Ms. Waisley said that Frank

Shepherd would be the person to discuss that topic, but she hesitated to ask a senior employee to come to a meeting to fill a half-hour time slot. In addition, there is the conference in October in Chicago that will be attended by DOE personnel. Mr. Martin suggested the time slot on Friday could easily be filled by going into depth on one or two of the topics previously covered. He said there never seems to be enough time to adequately cover each topic, and Ms. Waisley agreed.

Mr. Mulvenon thought the agenda was too “site-specific,” wanted more time to discuss items brought up at the Round Robin, and would like to discuss funding for the SSABs, the effect of RBES, general issues that directly affect all of our sites, and the future of the SSABs at closure sites. Mr. Galin said that in planning the workshop, the Steering Committee hoped to take advantage of the opportunity of being at Hanford and seeing how the site relates to the rest of the complex. After further discussion, it was decided that if there were other items that the Chairs wanted to discuss, they should prioritize them and the Steering Committee will review the agenda again, perhaps giving less time to the Hanford site and more to broader topics such as NIMBY, RBES, the future of the CABs, and inter-site shipping and the pending legislation that affects it.

At that point, Jay Vivari introduced Doug Frost from DOE, the liaison to the National Governors Association, which with DOE is co-sponsoring a conference in October to discuss Risk-Based End States.

DOE/National Governors Association Meeting on RBES

Mr. Frost began his remarks with a brief history of the Risk-Based End States initiative, including the extension of deadlines by Asst. Secretary Roberson, and Ms. Roberson’s placing an increased emphasis on public involvement. After DOE officials looked at the vision documents, it became apparent that DOE should bring together three groups in the Fall – DOE Headquarters, site officials involved, and regulators involved in Risk-Based End States. In addition, it was felt this meeting would be strengthened by attendance from local governments, the Tribes, and EPA. Planners tried to avoid conflicting with the scheduled Hanford Chairs meeting, but given the number of organizations being asked to participate, a conflict could not be avoided. As noted earlier, the meeting will be held October 6 and 7 in Chicago. Participants will include Headquarters, site managers, state and federal regulators, representatives from the Energy Communities Alliance, the National Association of Attorneys General, Alliance for Nuclear Accountability, the State and Tribal Government Working Group, with the National Governors Association taking the lead. Mr. Frost stated that he was inviting two or three EMSSAB Vice Chairs or chosen representatives from the advisory boards to attend.

The purpose of the meeting is to take stock of where we are, look at the vision documents, discuss the variances contained in the vision documents, and determine what is the best way to proceed in terms of evaluating which criteria should be used, who evaluates, and the timetable.

Mr. Phillips said that Mr. von Tiesenhausen from the Nevada Board would be attending. He will report to all of the Chairs on the conference. Mr. Mulvenon is concerned that the meeting in Chicago will focus on the variance, instead of the vision. Ms. Sulc asked what would be the product of the meeting. Mr. Frost responded there would be reports by the site managers on the current status of Risk-Based End States on the first day, and the second day will focus on developing a process for moving forward with adequate public involvement. CAB members would not necessarily be asked to participate, but rather they will attend as observers.

Ms. Waisley noted that there is a panel on October 6th called “Obstacles and Opportunities.” Participants will hear about the overall goals and expectations from DOE in terms of RBES, and DOE will hear perspectives from the states, Tribes, and local communities. There will also be discussions by the site managers. On October 7th, EPA, NRC and the National Academy of Sciences will hold a panel discussion and breakout sessions to discuss the process and criteria for risk-informed decisionmaking. There will be four breakout groups discussing issues, including prior agreements, points of compliance, community acceptance, duration of institutional controls, balancing worker and community safety, and federal control sites in perpetuity. The end point is a road map for continued collaboration of all these entities that are attending the workshop.

Mr. Phillips asked for the agenda, and Mr. Frost agreed to give the draft to Mr. Vivari to send to the Chairs. Mr. Frost and Mr. Vivari agreed to have logistical information about the meeting sent to the Chairs.

Back to the Agenda for the October Chairs Workshop at Hanford

Discussion returned to the Agenda for the October Chairs meeting. Mr. Vivari reminded participants of the need to publish the agenda in the *Federal Register* several weeks before the meeting. Mr. Galin suggested that Mr. Mulvenon summarize his concerns about the agenda in an email that would be distributed to all the Chairs. Mr. Mulvenon agreed. Mr. Vivari noted that he had enough information to work with the Steering Committee to send out a proposed revised agenda that incorporated more general topics.

LOCAL SSAB ISSUES/UPDATES

Fernald – Jim Bierer

- There is overwhelming concern about retrieval and disposition of silos waste material. Silo 3 waste is ready to be shipped to Nevada (NV), but the NV Attorney General issued a letter stating they would sue if the material was shipped. Fernald has people and equipment in place to ship the waste, and is worried about what happens if it cannot ship it. The public is adamant about the

waste leaving the site. The public has not been informed about this issue between DOE and NV and this delay could cause serious problems.

- Requested DOE look at temporary storage for Silo 3 waste pending final disposition.
- Focus is now on Silos 1 and 2 waste. The CAB wants an enforceable milestone for how long the material is kept in the transfer tanks.
- Interested in representation at the Hanford Chairs meeting and looking at what Hanford is preparing to do.
- Working well with the LM representative to pursue a continuing community-based stewardship entity once the SSAB is discontinued.

Hanford – Todd Martin

- The HAB is going through the yearly planning process in conjunction with DOE and regulators to develop priorities for the next 12-18 months.
- Working with DOE to update schedules – Tank Waste Closure EIS is late.
- Finished 2nd successful workshop on End-States Process, not Risk-Based, in conjunction with our regulators. It will feed into the RBES process.
- Conducted three workshops on Hanford End-State decisions.
- Pursuing technical assistance to analyze DOE's RBES process, primarily on three documents, to get a better understanding of how risk is being considered by DOE at Hanford.

Idaho – David Kipping

- CAB is also looking at End-States that will ultimately feed into the RBES process, similar to what Hanford is doing.
- There is a new proposal for an 8-year, \$3 billion contract for cleanup at Idaho. It will be awarded in March and the new contractor will start in May.
- The current contractor will continue until the new contractor begins work.
- Hanford is proposing to ship waste from the Fast Flux Test Facility (FFTF) to INEEL because Hanford can't process it. INEEL will process the sodium and send it back to Hanford. The spent fuel will stay in INEEL until the Yucca Mountain repository is opened. INEEL will process the radioactive filters (traps) and send them back to Hanford. Idaho is concerned about the proposal since they have already received so much Rocky Flats waste.
- The CAB will provide scoping comments on the FFTF EIS soon.

Nevada – Charles Phillips

- In July, the CAB held a retreat and welcomed five new members. Seven project managers gave presentations that the new members enjoyed. The new members are progressing well and participating in the different technical working groups.
- The Underground Test Area committee, which focuses on water contamination issues, met with Nye County representatives and exchanged information.

- In September, there will be a public meeting in Pahrump to educate attendees about the hydrology of the NTS area.
- In October or November, the NTS CAB hopes to announce at a public meeting its recommendations to DOE for monitoring wells. This is the result of several years of committee work.
- A representative will attend the NGA workshop.

Northern New Mexico – Menice Manzanares

- Tim DeLong and Ted Taylor could not be on the conference call because they are busy at the lab. There have been security issues primarily in the weapons division at Los Alamos.
- Most of the lab is up and running again, but the weapons and security areas are still going through the self-assessment process.
- The CAB is preparing the 2005 work plans for approval at the September 29 meeting.
- New officers will be elected at the September meeting as well.
- Sent out 1,300 copies of the newsletter.
- Looking for new members for the five openings on the Board. Will be submitting a membership package soon.
- Waiting on an NMED consent order (expected within the next two weeks) and will then review and make recommendations.
- Dealing with groundwater and contamination reports.

Oak Ridge – Kerry Trammell

- The Oak Ridge Reservation had two reportable incidents in May, a fire at the old K-25 complex and a transportation contamination incident. Results of the investigation have been released and OR and DOE are co-sponsoring a meeting to give the results to the public.
- The Board is co-sponsoring a September 2 meeting to determine the need for a haul road from the ETTP to the disposal site. This may avoid another transportation incident.
- In August 7, the Board had a planning retreat to discuss their work plans and discuss the way they do business. They also brought on three student representatives.
- One new member has been appointed to fill a position on the Board.

Paducah – Bill Tanner

- Groundbreaking ceremony was held for the Depleted Uranium Hexafluoride facility in July. Congress twice passed laws requiring DOE to build the facility, but now DOE says it will be another year until the building design is complete.
- The scrap metal removal project ran into a transportation issue. The metal is being put into containers and shipped by truck to NTS. The absorbent added is

not taking care of all the moisture and some is leaking out. Until that is fixed, all shipments have been suspended. They have 2,000 tons packaged and awaiting shipment.

- The ROD on the source reduction of TCE has been issued and the Board will be reviewing it.
- Two Board members have resigned and two declined reappointment, so the membership will be 11. They hope to get it back to 15 by the end of the year. Ms. Waisley urged them to send in their membership package soon.
- The Board had agreed to verbal responses from DOE for minor recommendations, but that hasn't worked well, so DOE will respond in writing, including past verbal responses.
- The prime contractor, Bechtel Jacobs, has been extended for six months. DOE has been trying to divide the contract into two, but there has been some confusion. This has had no impact on support service contracts for the Board. They will have a new 8A contractor in place by September 30.
- Annual planning retreat will be held November 5-6, and the Board will elect new officers.
- The Board adopted new by-laws, policies, and procedures at its last meeting.
- They will submit a reappointment package on or about September 1.

Ms. Waisley advised all the Chairs to keep CEMI in the loop regarding all changes in membership.

Rocky Flats – Victor Holm

- Two major buildings have been taken down, #881 and #771, often called the most dangerous building in the U.S.
- The Board has scheduled a workshop on public participation and closure.

Savannah River – Jean Sulc

- On August 27, the CAB will participate in a special meeting on Plutonium issues. Included will be a drive-by on the site, presentations and demonstrations, followed by Q/A. Plutonium shipments, storage and disposition are the three top issues for this CAB.
- There will be an Education Retreat, Sept 9 - 10, for new members (this year's and last year's classes). It will include the Basics -- "101" Radiation, Nuclear Materials, Waste, Risks and Hazards, Regulatory Structure, DOE organization -- and an overview of the site's cleanup decision making process will be covered.
- The New Mexico Environmental Department's Permit Modification, which affected WIPP Base Inventory Levels, has been delayed indefinitely. Audible sighs of relief were heard from the CAB, after much input.
- Ms. Sulc asked Mr. Vivari whether the DOE publication, Fact vs. Fiction, could be made available to the CABs? Mr. Vivari stated that he would provide the web site or other access information to the Board members.

CLOSING REMARKS

Ms. Waisley reminded everyone that there was still work to be completed on the agenda for the Chairs' meeting, and thanked everyone for participating.